

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TRAVELERS CASUALTY & SURETY
COMPANY OF AMERICA

Plaintiff(s)

v.

CIVIL ACTION No. 2:13cv101-KS-MTP

HUB MECHANICAL CONTRACTORS, INC., *ET*
AL.

Defendant(s)

CASE MANAGEMENT ORDER

This Order, including the deadlines established herein, having been established with the participation of all parties, can be modified only by order of the court upon a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record. IT IS HEREBY ORDERED:

1. **ESTIMATED DAYS OF TRIAL:** 3
- ESTIMATED TOTAL NUMBER OF WITNESSES:** 10
- EXPERT TESTIMONY EXPECTED:** YES **NO. OF EXPERTS** 5

2. **ALTERNATIVE DISPUTE RESOLUTION [ADR].**

- X **A.** Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:
- Private mediation or a settlement conference with the court is required in this matter. The parties are to schedule and complete same on or before August 1, 2014.
- B.** At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.

3. **CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE.**

- A.** The parties consent to trial by a United States Magistrate Judge.

X **B.** The parties do not consent to trial by a United States Magistrate Judge.

4 DISCLOSURE.

 A. The pre-discovery disclosure requirements of L.U.Civ.R 26(a)(1) have been complied with fully.

 X **B.** The following additional disclosure is needed and is hereby ordered: All parties are to complete pre-discovery disclosures on or before April 22, 2014.

5. MOTIONS; ISSUE BIFURCATION.

 X **A.** The court finds and orders that early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

Travelers has already filed a Motion for Summary Judgment as to the liability of Philip A. Fails and Margie C. Fails. The deadline for responding to this motion is set forth in a separate order entered April 1, 2014. In addition, there is also pending before this Court Travelers' Motions for Default Judgment as to Hub Mechanical Contractors, Inc. And Arthur C. Henderson.

 X **B.** The court finds and orders that staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42(b),

 (1) Will assist in the prompt resolution of this action.

 X **(2)** Will not assist in the prompt resolution of this action.

Accordingly, the court orders that:

6. DISCOVERY PROVISIONS AND LIMITATIONS.

A. Interrogatories are limited to 25 succinct questions.

B. Requests for Production and Requests for Admission are limited to 25 succinct questions.

C. Depositions are limited to the parties, experts, and no more than

 5 fact witness depositions per party without additional approval of the court.

D. The parties have complied with the requirements of Local Rule 26(e)(2)(B) regarding discovery of electronically stored information and have concluded as follows [The parties **MUST** state whether or not there is ESI and, if so, how they propose to address it]:

The parties have relevant ESI.

The parties are ordered to retain any relevant ESI.

 X Unless otherwise agreed, ESI produced in this matter may be produced in .pdf format. However, all parties reserve the right to request that specific documents be produced in native format.

E. X The court imposes the following further discovery provisions or limitations:

Pursuant to Rule 502(d) of the Federal Rules of Evidence, the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.

F. There are no further discovery provisions or limitations.

7. Scheduling Deadlines *The appropriate scheduling deadlines based upon the track designation shall not be included in the proposed Case Management Order. (Deadlines shall be determined at the telephonic case management conference).*

SCHEDULING DEADLINES
(To be completed by the court only)

IT IS HEREBY ORDERED AS FOLLOWS:

A. Trial.

1. This matter is set for trial during a trial calendar: August 3-14, 2015 before District Judge Keith Starrett

2. ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

3. This is a [check one]: ☒ Jury Trial ☐ Non-Jury Trial

B. Pretrial. The pretrial conference is set on: July 16, 2015 before District Judge Keith Starrett

C. Discovery. All discovery shall be completed by: March 2, 2015

D. Amendments. Motions for joinder of parties or amendments to the pleadings shall be served by: May 1, 2014

E. Experts. The parties' experts shall be designated by the following dates:

**A. Plaintiff &
Cross
Claimant:** August 15, 2014

**B. Defendant
& Counter
Defendant:** September 15, 2014

8. Motions All motions other than motions *in limine* shall be filed by: March 16, 2015

The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference. *Daubert* motions are due by the motions deadline of March 16, 2015.

**9. Private
Mediation/
Settlement
Conference** See paragraph 2 above.

10. Report Regarding ADR. On or before (7 days before FPTC) July 9, 2015, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See* L.U.Civ.R. 83.7(f)(3).

ORDERED: April 1, 2014 s/Michael T. Parker
Date UNITED STATES MAGISTRATE JUDGE